

REMARKS

Claims 1-23 are all the claims pending in the application. By this Amendment, Applicant amends claims 1 and 13 to further clarify the invention.

Repeated Rejection

The Examiner maintained the rejections of claims 1-2, 7-8, 12-14, 19-20, and 22-23 stand under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,483,932 to Martinez et al. (hereinafter “Martinez”) in view of U.S. Patent No. 6,650,362 to Nakamura et al. (hereinafter “Nakamura”). Applicant respectfully traverses this rejection and respectfully requests that the Examiner reconsider his rejection in view of the following comments. As claims 1 and 13 are independent, the other rejected claims being dependent, this response focuses initially on claims 1 and 13.

Independent claims 1 and 13, among a number of unique features, require determining a timing for selecting at least one of said plurality of picked up images, wherein said selection is based on a result from said obtained information. In response to the Request for Reconsideration filed on June 9, 2004, the Examiner alleges that taking an image at a specific time is equivalent to determining a timing for extracting an image. For support of this position the Examiner relies on Fig 2 of “Martinez” (the Examiner probably meant “Nakamura” as it is admitted by the Examiner in the previous Office Action and in this Final Office Action that Martinez fails to teach or suggest determining a timing as set forth in claim 1, *see e.g.*, page 4 of this Final Office Action dated August 23, 2004). In addition, the Examiner alleges that Nakamura mentions

blurring, which is equivalent to the gray level value. Finally, the Examiner alleges that the judging criteria is not recited in the claims (see pages 2-3 of the Office Action).

Applicant respectfully submits that the unique combination of features in claims 1 and 13 including at least the claimed determining a timing for selecting at least one of said plurality of picked up images, wherein said selection is based on a result from said obtained information is absent from the Martinez and Nakamura references, taken alone or in any conceivable combination. The Examiner acknowledges that Martinez fails to teach or suggest means for determining a timing as set forth in claim 1 (see page 4 of the Office Action). The Examiner, however, alleges that Nakamura cures the deficient teachings of Martinez (see page 4 of the Office Action).

Nakamura teaches picking up images at times T1, T2, and T3 and storing them in memory at predetermined time intervals and in this same time interval, the image is sent to a feature point extracting section 3 to extract feature points of the image (Fig. 2; col. 3, lines 15 to 26). That is, Nakamura teaches picking up images and extracting feature points from the image based on luminance (col. 3, lines 26 to 40).

Nakamura, however, fails to teach or suggest selecting one of the picked up images based on a result from said obtained information. In Nakamura, images are only picked up and sequentially sent to the extracting section 3. That is, with respect to the images, Nakamura only teaches picking them up and sequentially transmitting them to the extracting section 3. The images are not sent to the extracting section 3 based on a result from an obtained information.

Furthermore, Nakamura teaches extracting feature points based on luminance (col. 4, lines 15 to 18). In Nakamura, however, the feature points are extracted based on luminance and

not the picked up images. Moreover, Nakamura teaches extracting feature points from a picked up image and not selecting a picked up image from a number of the picked up images.

In short, Nakamura only teaches picking up images, sequentially sending them to an extraction section, and extracting from each image, feature points that are above a certain luminance gradient threshold. Therefore, determining a timing for selecting at least one of said plurality of picked up images, wherein said selection is based on a result from said obtained information as set forth in the independent claims 1 and 13 are not suggested by the combined teachings of Martinez and Nakamura. For at least these exemplary reasons, Applicant respectfully submits that claims 1 and 13 are patentable over the combined teachings of Martinez and Nakamura. Thus, it is appropriate and necessary for the Examiner to withdraw this rejection of claims 1 and 13. Also, Applicant respectfully submits that claims 2, 7-8, and 12 are allowable at least by virtue of their dependency on claim 1 and claims 14, 19-20, 22, and 23 are allowable at least by virtue of their dependency on claim 13.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 3-6, 9-11, 15-18, and 21 would be allowable if rewritten in the independent form. Applicant, however, respectfully holds the rewriting of claims 3-6, 9-11, 15-18, and 21 in abeyance until the arguments presented with respect to independent claims 1 and 13 have been reconsidered.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the


Amendment under 37 C.F.R. § 1.116
U.S. Application No.: 09/740,954

Attorney Docket No.: Q62391

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

 # 49,766

Howard L. Bernstein
Registration No. 25,665

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: November 17, 2004